



**PROPOSED RULE MAKING
(RCW 34.05.320)**

CR-102 (7/22/01)
**Do NOT use for expedited
rule making**

Agency: Agriculture

- ☒ Preproposal Statement of Inquiry was filed as WSR 02-18-111 & 02-22-093 ; or
☐ Expedited Rule Making -- Proposed notice was filed as WSR _____; or
☐ Proposal is exempt under RCW 34.05.310(4).

- ☒ Original Notice
☐ Supplemental Notice
to WSR _____
☐ Continuance of WSR _____

(a) Title of rule: (Describe Subject) WAC 16-228, General Pesticide Rules

Purpose: Update language, remove outdated sections, correct language and spelling errors, move and/or combine sections for clarity and accuracy, modify sections on phenoxy herbicides for clarification, add requirement for positive identification for purchase of restricted use pesticides, clarify recordkeeping requirements and modify pesticide licensing examination requirements to meet new legislation statutes.

Other identifying information: Review of agency rules requested every four years by Executive Order

(b) Statutory authority for adoption: RCW 17.21, RCW 15.58, RCW 34.05

Statute being implemented: RCW 17.21, RCW 15.58

(c) Summary: Update of General Pesticide Rules, WAC 16-228

Reasons supporting proposal: Remove outdated sections, add wording to address new concerns such as Homeland Security, modify language to meet requirements of new legislation.

| (d) Name of Agency Personnel Responsible for: | Office Location | Telephone |
|---|---|--------------|
| 1. Drafting..... Ann Wick | 1111 Washington Street SW, Olympia, WA 98504-2560 | 360-902-2051 |
| 2. Implementation.... Ann Wick | 1111 Washington Street SW, Olympia, WA 98504-2560 | 360-902-2051 |
| 3. Enforcement..... Ann Wick | 1111 Washington Street SW, Olympia, WA 98504-2560 | 360-902-2051 |

(e) Name of proponent (person or organization): Department of Agriculture

- ☐ Private
☐ Public
☒ Governmental

(f) Agency comments or recommendations, if any, as to statutory language, implementation, enforcement and fiscal matters:

(g) Is rule necessary because of:

| | | | |
|-------------------------|------------------------------|--|--|
| Federal Law? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | If yes, ATTACH COPY OF TEXT Citation: |
| Federal Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | |
| State Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | |

(h) HEARING LOCATION:

9/23/03 – WA State Dept. of Agriculture Conference Room, 21 N. 1st Ave.,
Ste. 236, Yakima, WA 98902; 9/24/03 – WSU Spokane Co. Extension, N. 222
Havana St., Room A lower level, Spokane, WA 99202;
9/29/03 – WA State Dept. of Agriculture, Room 259, 1111 Washington St.
SW, Olympia, WA 98504

Date: _____ Time: All hearings 6:00 pm

Assistance for persons with disabilities: Contact
Laurie Mauerman by 9/15/03

TDD (360) 902-1996 _____ or () _____

NAME (TYPE OR PRINT)

Bob Arrington

SIGNATURE

TITLE

Assistant Director

DATE

8/20/03

Submit written comments to:

Laurie Mauerman
Department of Agriculture e-mail: lmauerman@agr.wa.gov
PO Box 42560
Olympia, WA 98504-2560
FAX (360) 902-2093 By (date) 9/30/03

DATE OF INTENDED ADOPTION: 10/28/03

CODE REVISER USE ONLY

(COMPLETE REVERSE SIDE)

(j) Short explanation of rule, its purpose, and anticipated effects:

- 1) Change Section headings to Question Format and update language – all sections
- 2) WAC 16-228-1010 – Modifications
 - remove “agricultural emergency,” “substantial economic loss” – now in WAC 16-233 (Worker Protection Standards)
 - modify “complete wood destroying organism inspection,” “limited wood destroying inspection,” “specific wood destroying organism inspection,” “structural pest inspector,” “wood destroying organisms,” and “wood destroying organism inspection” to meet new legislative requirements
 - modify “bait box” definition to reflect cancellation of higher toxicity products
 - clarify use of “person” versus “individual”
 - define “positive identification”
- 3) WAC 16-228-1020
 - define department’s responsibilities

Continued on attached pages

Does proposal change existing rules? ☒ YES ☐ NO

If yes, describe changes:

See section (j)

(k) Has a small business economic impact statement been prepared under chapter 19.85 RCW?

- ☐ Yes. Attach copy of small business economic impact statement.
A copy of the statement may be obtained by writing to:

telephoning: ()

faxing: ()

- ☒ No. Explain why no statement was prepared

Additional costs are not anticipated or are expected to be minor.

Changes to the General Rules clarify existing requirements, allow for more flexibility or were made to comply with changes in law except for: a) requirement for positive identification – minimal expense is anticipated. Positive Identification is not required each time a Restricted Use purchase is made. Dealers are not required to keep records. b) Changing the expiration date for licenses – Licenses that formerly expired in February will lose two months on their license for a one year period. The Department anticipates making a change to the fee by policy for this period to offset this.

The rule change to eliminate airblast applications does not change department enforcement, as any application that would contaminate premises specified is currently a violation. The change eliminates reference to any specific pesticide.

- (l) Does RCW 34.05.328 apply to this rule adoption? ☐ Yes ☒ No

Please explain:

The Washington State Department of Agriculture is not a listed agency in RCW 34.05.328(5)(a)(i).